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IN THE HIGH COURT OF JUDICATURE, CHHATISGARH AT BILASUR.

WRIT PETITION NO. 3979 **OF 2004.**

PETITIONER

P.R. No. 3979/04
Presented by Shri M.K. Vijaya Lakshmi
dated 4-9-04

SMT.M.K. VIJAYA LAKSHMI,
W/O SHRI R.C. KURUP,
AGED ABOUT 48 YEARS,
R/O ARPA IRRIGATION COLONY,
SAKRI,
BILASPUR. (P.O. & DIST.)
C.G. STATE.

VERSUS

RESPONDENTS.

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1. STATE OF CHHATISGARH
THROUGH SECRETARY,
WATER RESOURCES DEPT.
GOVERNMENT OF CHHATISGARH,
RAIPUR.

2. CHIEF ENGINEER,
WATER RESOURCES DEPT., HASDEO BANGO PROJECT
BILASPUR.

3. DIST. COLLECTOR,
BILASUR.

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE WRIT (S) / ORDER (S) / DIRECTION (S), ETC.

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HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench: Hon'ble Shri Satish K. Agnihotri, J.

W. P. No. 3979 of 2004

Petitioner : Smt. M.K. Vijaya Lakshmi

Versus

Respondents : State of Chhattisgarh & Others

Shri K.R. Nair, counsel for the petitioner.
Smt. Anju Ahuja, Deputy Government Advocate for the respondents/State.

ORAL ORDER
(12th July, 2006)

1. The present petition filed by the petitioner, who was appointed as daily wages basis on the post Clerk in January 1985.

2. According to learned counsel for the petitioner, other similarly situated candidates were considered and regularized and the petitioner was left on account of some technical difficulties which does not stands in the eyes of law.

3. In the light of para 53 in the case of **Secretary, State of Karnataka and Others Vs. Umadevi (3) and Others,** the State Government is directed to take steps for regularization as a one-time measure. The Supreme Court in para 53 of the Judgment in the case of **Secretary, State of Karnataka and Others Vs. Umadevi (3) and Others** {(2006) 4 Supreme Court Cases 1}, observed thus:

> "53. One aspect needs to be clarified. There may be cases where irregular appointments (not illegal

appointments) as explained in S.V. Narayanappa[11], R.N. Nanjundappa[12] and B.N. Nagarajan[8] and referred to in para 15 above, of duly qualified persons in duly sanctioned vacant posts might have been made and the employees have continued to work for ten years or more but without the intervention of orders of the courts or of tribunals. The question of regularization of the services of such employees may have to be considered on merits in the light of the principles settled by this Court in the cases above referred to and in the light of this judgment. In that context, the Union of India, the State Governments and their instrumentalities should take steps to regularize as a one-time measure, the services of such irregularly appointed, who have worked for ten years or more in duly sanctioned posts but not under cover of orders of the courts or of tribunals and should further ensure that regular recruitments are undertaken to fill those vacant sanctioned posts that require to be filled up, in cases where temporary employees or daily wagers are being now employed. The process must be set in motion within six months from this date. We also clarify that regularization, if any already made, but not sub judice, need not be reopened based on this judgment, but there should be no further bypassing of the constitutional requirement and regularising or making permanent, those not duly appointed as per the constitutional scheme."

4. In view of the afore-mentioned reasons, the petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

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